

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7269 of 2024

Arising Out of PS. Case No.-12 Year-2023 Thana- BHEJA District- Madhubani

Shailendra Yadav, Aged about 25 years, Gender-Male, Son Of Shiv Narayan Yadav @ Shiv Naryan Yadav, Resident Of Village- Tokana Tola, P.S.- Bheja, Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 23-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bheja P.S. Case No. 12 of 2023 instituted for the offences punishable under Sections 436, 307, 427, 461, 379, 411 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, on the alleged date of occurrence when the informant was sleeping in his shop, then petitioner along with one co-accused came and put kerosene on his shop and set fire due to which his shop as well as Rs. 30,000/- cash was burnt and the informant also sustain burn injuries.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous dispute. There is no any legal evidence or cogent material available against the petitioner to show his involvement in the alleged offence. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 15.02.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 19.10.2023 and case diary, it appears that on the basis of written report of the informant Nand Kishore Singh F.I.R. registered against two accused persons including the present petitioner. The allegation against the petitioner is that he along with co-accused came to shop of informant, put kerosene on his shop and set fire due to which his shop was burnt and he also sustained burn injuries. There is no recovery of any incriminating article from the possession of petitioner. The injury report does not support the prosecution case. As per injury report of the informant which is annexed with the case diary, injury is simple caused by hard blunt object.

7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as



period of custody of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Jhanjharpur, District-Madhubani in connection with Bheja P.S. Case No. 12 of 2023.

(Ramesh Chand Malviya, J)

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